

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL LABOR RELATIONS BOARD,

Applicant,

v.

CHARLES THOMAS SCHMIDT;
PARTY SHUTTLE TOURS, LLC;
CITY INFO EXPERTS, LLC;
UNIVERSAL SMART CONTRACTS, LLC;

Respondents.

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No. 1:23-mc-51 (VEC)

**AFFIDAVIT IN SUPPORT OF MOTION OF THE NATIONAL LABOR RELATIONS
BOARD TO LIQUIDATE ATTORNEYS' FEES AND COSTS**

I, Amanda Leonard, under penalty of perjury, state as follows:

1. I am a Trial Attorney in the Contempt, Compliance, and Special Litigation Branch (CCSLB) of the National Labor Relations Board (NLRB).

2. CCSLB is located at the agency's headquarters in Washington, D.C. One of the responsibilities of attorneys in CCSLB is to investigate and pursue compliance with court enforced Board orders that issue across the country. As part of this process, Regional Offices send their cases to us to manage and litigate post-judgment as necessary. I have been actively engaged in investigating the NLRB matter underlying the instant subpoenas, NLRB Case No. 02-CA-073340, since at least April 18, 2022.

3. I have served as counsel representing the NLRB in the above-captioned case at all relevant times since issuance of the subpoenas at issue.

4. I have been a practicing attorney since February 5, 2021. Accordingly, prior to February 5, 2023, I had over 1 year of practice experience, and after February 5, 2023, I had over 2 years of practice experience.

5. I expended 55.7 hours in connection with the litigation of the NLRB's Application for an Order Requiring Obedience with Administrative Subpoenas *Duces Tecum*. This is a conservative figure of time, as I have excluded time that reasonably would be considered excessive, redundant, or otherwise unnecessary.

6. The following is a detailed log of work hours I expended during the litigation:

Date	Hours	Description
1/23/23	1.6	Review Petitions to Revoke filed by each Respondent to determine arguments to be addressed in the NLRB's Application and take notes
1/25/23	.1	Review the Board's January 4, 2023 Order denying Respondents' Petitions to Revoke
1/25/23	1.6	Research Second Circuit case law regarding power of courts to enforce administrative subpoenas
1/26/23	1.4	Begin drafting legal standard section of supporting memo for subpoena enforcement motion
1/26/23	.7	Additional research of Second Circuit case law regarding power of courts to enforce administrative subpoenas, especially in cases with the NLRB as a party
1/26/23	1.0	Research case law regarding enforcement of administrative subpoenas relating to financial assets and potential derivative liability
1/26/23	.8	Research case law regarding enforcement of administrative subpoenas when time period requested extends beyond the date of the violation
1/26/23	2.1	Begin drafting analysis sections under elements of subpoena enforcement, incorporating research on finer points of arguments
1/27/23	.5	Research case law regarding waiver of arguments if not objected to during administrative process
1/27/23	.7	Research case law regarding enforcement of administrative subpoenas against nonparties
1/27/23	2.7	Continue drafting analysis sections under elements of subpoena enforcement, incorporating research on finer points of arguments
1/30/23	1.1	Research case law regarding standard for burdensome or unreasonable subpoena requests and research similar fact patterns
1/30/23	1.4	Review voluminous file in preparation for factual background and take notes summarizing
1/30/23	1.0	Begin drafting factual background
1/31/23	1.3	Draft Notice of Application
1/31/23	1.1	Continue drafting factual background and draft intro section
1/31/23	.8	Finish drafting analysis sections on elements of subpoena enforcement

1/31/23	1.3	Draft analysis section on Respondents' arguments regarding burdensome and unreasonable subpoena requests
1/31/23	.7	Research case law regarding confidentiality or privilege concerns in subpoena responses to address Respondents' argument
1/31/23	1.1	Draft analysis section responding to Respondents' arguments regarding confidentiality and privilege
2/1/23	.9	Research Second Circuit case law regarding an award of attorneys' fees in subpoena enforcement actions
2/1/23	1.1	Draft analysis section regarding the appropriateness of attorneys' fees in this matter
2/1/23	.4	Draft proposed order
2/1/23	.8	Review local rules regarding motions practice and formatting to ensure compliance
2/1/23	1.3	Review and finish drafting of memo
2/8/23	.4	Collaborate with CCSLB management regarding arguments, revisions, and approval for filing of Application
2/8/23	.9	Revise Application based on edits made by CCSLB management
2/8/23	1.0	Begin revising memo based on edits and suggestions made by CCSLB management
2/9/23	1.3	Complete case law research in follow up to management suggestions
2/9/23	.6	Begin compiling exhibits to attach to Application
2/10/23	1.3	Finish compiling and preparing exhibits for attachment to Application
2/10/23	.4	Revise proposed order based on edits and suggestions made by CCSLB management
2/10/23	.3	Draft certificate of service
2/10/23	1.8	Finish revising memo based on edits and suggestions made by CCSLB management
4/5/23	1.1	Review Respondents' 12(b) Motion to Dismiss and take notes regarding arguments to be addressed in NLRB's response
4/6/23	1.7	Research case law regarding subject matter jurisdiction and personal jurisdiction in relation to administrative agency authority and process of service
4/6/23	.9	Research case law regarding venue in relation to administrative subpoena enforcement
4/6/23	2.8	Draft legal analysis of subject matter and personal jurisdiction in response
4/6/23	1.9	Draft legal analysis of venue in response
4/6/23	1.4	Draft relevant facts section of response
4/6/23	1.0	Review and finish drafting response, including intro
4/7/23	.4	Confer with CCSLB management regarding revisions of response and approval for filing
4/7/23	1.5	Research additional case law for response, per management's suggestions

4/7/23	2.7	Revise response based upon CCSLB management's edits
7/17/23	1.0	Draft letter to Judge Caproni requesting expedited consideration of docket
8/9/23	.6	Draft Notice of Motion for Reconsideration
8/9/23	1.9	Prepare Memo supporting Motion for Reconsideration
8/9/23	.5	Review local rules and judge's rules regarding motions for reconsideration and general motions practice to ensure compliance
8/9/23	.5	Prepare exhibits for filing with Motion for Reconsideration
8/9/23	.3	Confer with CCSLB management regarding suggestions and approval for Motion for Reconsideration

7. The hours incurred prior to February 5, 2023 total 27.5. Based on the *Fitzpatrick* Matrix (*see* Exhibit 2), the 2023 hourly rate for an attorney with 1 year of experience is \$485. Using this figure, fees for this subpoena enforcement proceeding prior to February 5, 2023 total \$13,337.50.

8. The hours incurred after February 5, 2023 total 28.2. Again, based on the *Fitzpatrick* Matrix, the 2023 hourly rate for an attorney with 2 years of experience is \$502. Using this figure, fees for this subpoena enforcement proceeding after February 5, 2023 total \$14,156.40.

9. The total amount owed in connection with my work on the NLRB's Application is \$27,493.90.

EXECUTED at Washington, D.C. this 31st day of January 2024.

s/ Amanda Leonard

AMANDA LEONARD

Trial Attorney

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